

IF

PATENT
450100-03246

AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ken Tamayama, et al.
U.S. Serial No. : 09/870,036
For : RECEIVING APPARATUS AND POWER CONTROL METHOD
Filed : May 30, 2001
Examiner : Torres, Juan A.
Group Art Unit : 2631
Confirmation No. : 6745

745 Fifth Avenue
New York, New York 10151

EXPRESS MAIL

Mailing Label Number: EV 723367154 US

Date of Deposit: November 1, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Barnet Shindler
(Typed or printed name of person mailing paper or fee)

Barnet Shindler
(Signature of person mailing paper or fee)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner For Trademarks
P.O. Box 1451
Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Rejection dated August 1, 2005 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

REASONS FOR REQUEST

Claims 1-5 and 7-11 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No, 6,067,121 to Shigihara (hereinafter, merely “Shigihara”). Claims 1-5 and 7-11 were rejected under 35 U.S.C. 103 (a) as allegedly unpatentable over the combination of Yarita (JP 11-298351) (hereinafter, merely “Yarita”) and Shigihara. Applicants respectfully traverse the rejections.

Claim 1 recites, *inter alia*:

“...said individual information contained in said transport stream is sequentially accumulated into said storing means on the basis of a result of extraction by said extracting means; and

said transmitting means transmits said control signal to said given circuit when a capacity of said storing means exceeds a given value.” (emphasis added)

As understood by Applicants, Shigihara relates to a scrambled broadcast system that includes a scrambler having a first generator and a second generator.

Applicants respectfully submit that Shigihara fails to disclose or suggest that individual information contained in said transport stream is sequentially accumulated into said storing means on the basis of a result of extraction by said extracting means; and said transmitting means transmits said control signal to said given circuit when a capacity of said storing means exceeds a given value, as recited in claim 1.

Indeed, Applicants submit that the disclosure of a **timer**, as described in Shigihara does not teach or suggest the **storage means** recited in claim 1. (See column 13, lines 50-67 of Shigihara)

Furthermore, Applicants submit that the Office Action concedes that Yarita does not disclose the above-identified features of claim 1 and relies on Shigihara to provide the missing description.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Claim 7 is similar, or somewhat similar, in scope and is patentable for similar, or somewhat similar, reasons.

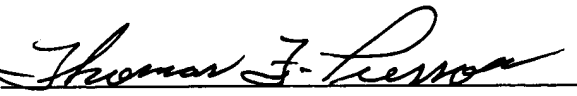
The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons.

Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees or credit any overpayment by reason of this request to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
Thomas F. Presson
Reg. No. 41,442
212-588-0800